



LICENSING AND GAMBLING SUB-COMMITTEE

REPORT BY LICENSING MANAGER

DATE OF MEETING:

1. Application Details

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Marston's PLC Marston's House Brewery Road Wolverhampton WV1 4JT	Moat House Hotel 30 Lon-y-Llyn Caerphilly CF83 1BY	Variation

1.1 Application for the Variation of a Premises Licence

An application has been submitted to vary the current premises licence for the above premises (current licence reproduced as **Appendix 1**), the outline of the application as below

- To change internal and external layout of the premises
- To add the patio/beer garden area and landscaped garden to the licenced area (as shown on the proposed premises plan reproduced as **Appendix 2**)
- To extend the time of the following licensable activities on a Friday and Saturday night until 01.00 including Alcohol, Films (indoors only), Indoor Sporting Events, and Late Night Refreshment (indoors and outdoors)
- Add the following licensable activities: Recorded Music, Live Music and Dancing Sunday to Thursday 10.00 to 00.00 and Friday and Saturday 10.00 to 01.00
- To Remove non-standard timings currently on the licence regarding enhancement of hours on Friday and Saturday preceding Bank Holiday weekends
- To extend opening hours on Friday and Saturday until 01.30
- To remove or amend the following conditions as currently in Annex 2 of the premises licence and to remove references to the past (which would remove conditions currently in Annex 3)
 - Remove - Voluntary closure policy for the premises is 30 minutes after the approved closure time for the supply of alcohol
 - Reason – It is proposed that this condition is not required. The opening hours of the premises are stipulated on the face of the licence
 - Amend – The pub manager is required to actively participate in and support the Local Pubwatch Scheme
 - Proposed amendment – 'The Designated Premises Supervisor will actively participate and support local Pubwatch schemes as long as the same exist'

- Remove – Toughened glass is currently in use and will continue to be used during any additional hours
- Reason – It is requested that this condition should be deleted, Marton’s utilise their own glassware much of which is branded as to the product range brewed by them.

- Remove – There will be no promotions that encourage illegal, irresponsible or immoderate consumption
- Reason – It is proposed that this should be deleted as it duplicates a mandatory condition.

- Proposed to Add the following conditions:
 - Children under the age of 16 are not permitted to enter the premises after 22.00 hours unless attending a pre-booked function or dining.
 - Staff to be trained in respect of underage sales on an annual basis and such training records to be retained and made available for inspection by the Licensing Authority and Police.

- To permit premises to operate on seven days’ notice to the Police on the occasions of the broadcast of live sporting events of a national and international nature

1.2 **Site Plan/Photographs**

A location plan is reproduced as **Appendix 3**

The nearest licensed premises to the Moat House Hotel are shown on **Appendix 4**. For information only we have included details of the licensed hours for these premises

The Miners located approx. 0.2 miles away –

Alcohol (on sales only) 09.00 – 23.00

Live Music, Recorded Music, Plays, Films, Performance of Dance and anything of a similar description 09.00 – 23.30

St Martins Store located approx. 0.2 miles away (on junction with St Martins Road)

Alcohol (off sales only) Mon – Sat 08.00 – 23.00, Sun 10.00 – 22.30

Malcolm Uphill located in the town centre approx. 1 mile away

Alcohol (on and off sales) Sun – Thur 09.00 – 00.00, Fri – Sun 09.00 – 01.00

Late Night Refreshment Sun – Thur 23.00 – 00.00, Fri – Sun 23.00 – 01.00

Photographs of the area are reproduced as **Appendix 5** which highlight the proximity of the premises to local residences

1.3 Proposed Trading Times and Licensable Activity

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(i) <u>Hours premises are open to public</u>		(i) <u>Hours premises are open</u>	
	Total Trading Hours		Total Trading Hours
Mon	07.00 – 00.30	Mon	07.00 – 00.30
Tue	07.00 – 00.30	Tue	07.00 – 00.30
Wed	07.00 – 00.30	Wed	07.00 – 00.30
Thur	07.00 – 00.30	Thur	07.00 – 00.30
Fri	07.00 – 00.30	Fri	07.00 – 01.30
Sat	07.00 – 00.30	Sat	07.00 – 01.30
Sun	07.00 – 00.30	Sun	07.00 – 00.30

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(ii) <u>Supply of alcohol, Films and Indoor Sporting Events</u>		(ii) <u>Supply of Alcohol, Films and Indoor Sporting Events</u>	
	Total Trading Hours		Total Trading Hours
Mon	10.00 – 00.00	Mon	10.00 – 00.00
Tue	10.00 – 00.00	Tue	10.00 – 00.00
Wed	10.00 – 00.00	Wed	10.00 – 00.00
Thur	10.00 – 00.00	Thur	10.00 – 00.00
Fri	10.00 – 00.00	Fri	10.00 – 01.00
Sat	10.00 – 00.00	Sat	10.00 – 01.00
Sun	10.00 – 00.00	Sun	10.00 – 00.00

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(iii) Late Night Refreshment		(iii) Late Night Refreshment	
	Total Trading Hours		Total Trading Hours
Mon	23.00 – 00.00	Mon	23.00 – 00.00
Tue	23.00 – 00.00	Tue	23.00 – 00.00
Wed	23.00 – 00.00	Wed	23.00 – 00.00
Thur	23.00 – 00.00	Thur	23.00 – 00.00
Fri	23.00 – 00.00	Fri	23.00 – 01.00
Sat	23.00 – 00.00	Sat	23.00 – 01.00
Sun	23.00 – 00.00	Sun	23.00 – 00.00

Existing Entitlement (Live Music Exemption / De-regulation of Regulated Entertainment)		Variation Requested	
(iv) Live Music, Recorded Music and Dancing		(iv) Live Music, Recorded Music and Dancing	
	Total Trading Hours		Total Trading Hours
Mon	08.00 – 23.00	Mon	10.00 – 00.00
Tue	08.00 – 23.00	Tue	10.00 – 00.00
Wed	08.00 – 23.00	Wed	10.00 – 00.00
Thur	08.00 – 23.00	Thur	10.00 – 00.00
Fri	08.00 – 23.00	Fri	10.00 – 01.00
Sat	08.00 – 23.00	Sat	10.00 – 01.00
Sun	08.00 – 23.00	Sun	10.00 – 00.00

1.3.1 The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the application:-

- Children under the age of 16 are not permitted to enter the premises after 22.00 hours unless attending a pre-booked function or dining.
- Staff to be trained in respect of underage sales on an annual basis and such training records to be retained and made available for inspection by the Licensing Authority and Police.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy Extracts **Appendix 6**

National Guidance Extracts **Appendix 7**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

Child Protection

Document	Date Received	Appendix Reference
Initial Representation	07/01/2019	Appendix 8a
Supplementary Comments – following mediation agreement was reached regarding conditions between applicant and Child Protection	16/01/2019	Appendix 8b

Gwent Police – Licensing

Document	Date Received	Appendix Reference
Initial Representation	09/01/2019	Appendix 9a
Supplementary Comments	23/01/2019	Appendix 9b
Final Comments	24/01/2019	Appendix 9c

Licensing Authority

Document	Date Received	Appendix Reference
Initial Representation	11/01/2019	Appendix 10
Supplementary Comments		

Environmental Health Officer (Pollution Team)

Document	Date Received	Appendix Reference
Initial Representation	11/01/2019	Appendix 11
Supplementary Comments		

1.5.2 Other Persons:

Resident A

Document	Date Received	Appendix Reference
Initial Representation	05/01/2019	Appendix 12
Supplementary Comments	07/01/2019	Appendix 12a

Petition

Document	Date Received	Appendix Reference
Initial Representation/Petition	07/01/2019	Appendix 13
Supplementary Comments		

Neighbourhood Watch

Document	Date Received	Appendix Reference
Initial Representation	07/01/2019	Appendix 14a
Supplementary Comments (lighting)	16/01/2019	Appendix 14b
Supplementary Comments	22/01/2019	Appendix 14c

1.6 APPLICANT RESPONSE

The applicant has responded to the comments of the Child Protection Officer suggesting minor amendments to their proposed conditions, which has been agreed. It is understood at the time of preparing this report that mediation with other Responsible Authorities is on-going. To date the applicant is yet to fully respond to the concerns expressed by local residents particularly with reference to the hours proposed.

1.7 SUMMARY OF REPRESENTATIONS

Trading Standards and Environmental Health, Health & Safety Team have indicated that they have no representations in respect of the proposed variation.

Child Protection have identified a lack of information contained within the operating schedule and have proposed conditions relevant to proof of age and staff training and following mediation, an agreement on conditions has been agreed with the applicant.

The Police raise an objection to the extended licensable hours in respect of the external areas. No issue is raised in respect of the one hour increase in licensable activities. Concern is, raised in respect of the increased chance of disturbance given the close proximity to residential premises. Reference is made to the potential to attract a larger and more varied customer base and flag the potential for crowds to congregate outside. The Police have suggested that the outside area be prohibited save for smokers after 22.30hrs. Reference is made to the addition of CCTV in order to promote the licensing objectives, with the CCTV to cover the external area.

The Environmental Health Pollution Team Officer has objected to the application expressing concern over the outdoor drinking area and seeks to limit use of the outside area after 22.30 hrs and recommends notices to be displayed to this effect. No issue is raised in respect of the one hour increase in licensable activities. Conditions are advocated to concerning live and recorded music to require doors and windows to be closed during entertainment and a condition requiring monitoring of the outside area by Manager, licence holder or competent person when entertainment is held and records to be kept of the same.

The Licensing Authority in its role as a Responsible Authority raises an objection not to the increase in hours until 1.00am but advocates prohibition of the external areas after 22.30hrs noting that the premises is located in a residential area and is in close proximity to residents. The Licensing Authority expresses concern that public nuisance may arise and introduces photographs to demonstrate the proximity of the outside area to local residents. The Licensing Authority notes that the applicant has failed to demonstrate in their operating schedule suitable measures to control the external areas as advocated by the council's licensing policy. Reference is made to the hours for the provision of live and recorded music but notes the conditions proposed by the Environmental Health Officer. A condition is proposed requiring the premises to be cleared of customers 30 minutes from the last supply of alcohol.

Objections have been received from a local resident, detailing concerns in respect of public nuisance due to noise levels of music and reference is made to the garden outside area 'creates enough noise / nuisance...' Concern is expressed as to litter and glass debris in the car park area and throughout the estate. Reference is made to previous issues attributable to a

younger element that had frequented the pub which would be exacerbated with late night music and drinking extension.

Objection has been received from the Neighbourhood Watch Area Co-ordinator for Saint Martins' Estate. Concern is expressed regarding the increased likelihood of crime and disorder, the impact of gatherings of people, alcohol and increased drinking time. Reference is made to concern about bottles and glasses outside and the extension of hours meaning that residents would experience well into the early hours and well after last orders. Further comment was made concerning the installation of floodlights in the carpark area and resultant light pollution alleged to be caused to residents. However further confirmation was received to indicate that the angle of the lights had been adjusted, however the issue not fully resolved.

A 17 signatory petition was received. The signatories are described as immediate neighbours and residents local to the Moat House. Reference is made to the previous good relationship and low nuisance value of the premises. A request is made for the consideration of shortening the hours applied for to a more reasonable time in line with the community in which the pub sits.

1.8 OBSERVATIONS

The Applicant indicates that the variation submitted has followed a full review of the Premises Licence following the purchase of the premises by Marstons Plc in line with Marston Estates conditions and policies with the aim of modernising the licence. The variation seeks to amend the layout of the premises to incorporate a larger outside area for licensable activities, to increase opening hours and times for licensable activities, to remove non-standard timings and the ability to undertake licensable activity to show live sporting events following notice to the Police to alleviate the requirements of applying for Temporary Event Notices.

In addition, wording contained within the Operating Schedule appears to propose the removal of conditions previously imposed following a Hearing in 2005, the most relevant of which would permit unrestricted use of the outside area as detailed on new plans, whereas use of the beer garden was previously prohibited after 22.30hrs.

Responsible Authorities, Environmental Health Pollution Team, Police and Licensing Authority have expressed concerns about elements of the proposed variation, primarily the proposed use of the outside area, given the close proximity of local residents and the promotion of the prevention of public nuisance licensing objective. In addition objections have been received from one local resident, the local Neighbourhood Watch group and via a 17 signatory petition. It is noted that the local resident who submitted an individual comment has also signed the petition received.

None of the Responsible Authorities (RA's) have objected to any of the new licensable activities i.e Live, Recorded Music and Dancing proposed by the applicant, indeed none of the RA's object to the increase in the extra hour midnight until 1.00am, applicable on Friday into Saturday and Saturday into Sunday for any existing permissions. No objection was raised to the proposal to permit the premises to operate on seven days' notice to the Police on occasions of the broadcast of live sporting events of a national and international nature. However the RA's have proposed a number of conditions in order to assist the applicant promote the licensing objectives.

Whilst the Applicant states that they have undertaken a full review of conditions applicable to this Premises Licence, the applicant has failed to offer any comments as to how they would promote the prevention of public nuisance licensing objective. The proposed variation would result in 3 conditions being retained from the existing premises licence, i.e attending Pubwatch, a requirement that prevents adult entertainment taking place at the premises and Managers requested to liaise with local neighbours and resolve any concerns. Two new conditions would be added relating to access to children under 16 to the premises and staff training requirements. These conditions are set out as conditions 1-5 as detailed in **Appendix 15**.

The RA's recognise the close proximity of local residents in their representations. This is perhaps demonstrated by the photographs submitted by the Licensing Authority in its role as a Responsible Authority. The nearest residential premises appear to be approximately 20 metres from the curtilage of the outside area of the Moat House Inn.

Paragraph 14.3 of the Council's Licensing Policy states:

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

Paragraph 18.1 of the Council's Licensing Policy states:

The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.

Furthermore Paragraph 14.4 of the Council's Licensing Policy states:

The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

they are situated in a residential or noise sensitive area; or

extended opening hours are proposed.

The comments of the Responsible Authorities Environmental Health Pollution, Police and Licensing Authority appear to reflect the control of the outside area is key to prevent public nuisance. There is an absence of recorded complaints to the Local Authority concerning noise from this premises which may be in part due to the condition which has previously prohibited use of the beer garden after 22.30hrs. It would appear that the RA's are looking to maintain this position, given the increase of the outside area and potential for increased nuisance.

Paragraph 2.18 of National Guidance states:

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area

of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Furthermore 2.17 of National Guidance states:

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time.....

For the purposes of Licensing Act, the Responsible Authorities (RA's) are considered to be experts in their fields. However local residents, Neighbourhood Watch Members and Signatories on the Petition will be aware of local prevailing conditions in the area and the manner in which the premises impacts upon them.

The comments of the signatories on the petition describe a situation where the relationship between residents and the pub has generally been good and nuisance relatively low. However it is indicated that the proposed variation will change this. It is noted that the petition advocates a shortening of the new times proposed as opposed to an outright objection to the hour increase proposed by the applicant.

National Guidance Paragraph 10.14 states:

Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Paragraph 14.5 of the Council's Licensing Policy States:

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Further comment was received from the Neighbourhood Watch in respect of installation of floodlight masts in the car park area as part of ongoing refurbishment which left some residents reporting intrusion of light pollution. This matter has been brought to the attention of the applicant and Environmental Health Pollution Officer.

The contact received from local residents appears to have been triggered by the application to vary the permissions currently in place at the Moat House Inn. Some of these concerns highlighted are anticipatory in their nature. It is noted that none of the Responsible Authorities have brought forward any information concerning complaints received from local residents in relation to crime and disorder, public safety, public nuisance or protection of children from harm.

1.8 LICENSING ASSESSMENT

The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- The protection of public safety;
- The prevention of public nuisance;
- The protection of children from harm

In making its decision, the Sub Committee is obliged to have regard to:-

- National Guidance
- Council's own licensing policy, and
- All representations made evidence presented

NOTE The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. Any such actions must be necessary in order to promote the licensing objectives.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

1.9 RECOMMENDATION

Having had regard to and considered the position of the Responsible Authorities and all comments received by residents, including the comments of the Neighbourhood Watch group, it is recommended that the variation application be approved subject to the following conditions as detailed within **Appendix 15** of this report.

Background Papers: These are attached to this report.

Date of this report: 25 January 2019

Author: Lee Morgan



PREMISES LICENCE SUMMARY

Premises Licence Number

PRM445

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Moat House Hotel
30 Lon-Y-Llyn
Caerphilly
CF83 1BY

Telephone number 029 2085 9041

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films, Indoor Sporting Events, Provision of late night refreshment, Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- a. Monday to Sunday 10.00 to 00.00
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 10.00 to 01.00
- c. Christmas Eve, 10.00 to 02.00
- d. New Year's Eve, except on a Sunday, 11.00 to 23.00
- e. New Year's Eve on a Sunday, 12.00 to 22.30

f. New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Films and Indoor Sporting Events

a. Monday to Sunday inclusive 10.00 to 00.00

b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 10.00 to 01.00

c. Christmas Eve, 10.00 to 02.00

d. New Year's Eve, except on a Sunday, 11.00 to 23.00

e. New Year's Eve on a Sunday, 12.00 to 22.30

f. New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Late Night Refreshment

a. Monday to Sunday inclusive, 23.00 to 00.00

b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 23.00 to 01.00

c. Christmas Eve, 23.00 to 02.00

d. New Year's Eve, 23.00 to 05.00

*A licence is not required for **live music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

** A licence is not required for **recorded music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

***A licence is not required for **performance of a play** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

**** A licence is not required for **performances of dance (excluding exhibitions of dance of an adult nature)** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

The opening hours of the premises

- a. Monday to Sunday inclusive, 07.00 to 00.30
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 07.00 to 01.30
- c. Christmas Eve, 07.00 to 02.30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption both on and off the premises

Name (registered) address of holder of premises licence

Marston's PLC
Marstons House
Brewery Road

Wolverhampton
WV1 4JT

Registered number of holder, for example company number, charity number (where applicable)

10747206

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Anthony Paul Kear-Smith

State whether access to the premises by children is restricted or prohibited

Not Applicable



PREMISES LICENCE

Premises Licence Number

PRM445

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Moat House Hotel
30 Lon-Y-Llyn
Caerphilly
CF83 1BY

Telephone number 029 2085 9041

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films, Indoor Sporting Events, Provision of late night refreshment, Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

- a. Monday to Sunday 10.00 to 00.00
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 10.00 to 01.00
- c. Christmas Eve, 10.00 to 02.00
- d. New Year's Eve, except on a Sunday, 11.00 to 23.00
- e. New Year's Eve on a Sunday, 12.00 to 22.30
- f. New Year's Eve from the end of permitted hours on New Year's Eve to the

start of permitted hours on the following day

Films and Indoor Sporting Events

- a. Monday to Sunday inclusive 10.00 to 00.00
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 10.00 to 01.00
- c. Christmas Eve, 10.00 to 02.00
- d. New Year's Eve, except on a Sunday, 11.00 to 23.00
- e. New Year's Eve on a Sunday, 12.00 to 22.30
- f. New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Late Night Refreshment

- a. Monday to Sunday inclusive, 23.00 to 00.00
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 23.00 to 01.00
- c. Christmas Eve, 23.00 to 02.00
- d. New Year's Eve, 23.00 to 05.00

*A licence is not required for **live music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

** A licence is not required for **recorded music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

***A licence is not required for **performance of a play** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

**** A licence is not required for **performances of dance (excluding exhibitions of dance of an adult nature)** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

The opening hours of the premises

- a. Monday to Sunday inclusive, 07.00 to 00.30
- b. Friday, Saturday and Sunday preceding a Bank Holiday Monday, Bank Holiday Monday, Boxing Day, 27th December, 28th December, 30th December and New Year's Day, 07.00 to 01.30
- c. Christmas Eve, 07.00 to 02.30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption both on and off the premises

Part 2

Name (registered) address, telephone number and e mail (where relevant of holder of premises licence)

Marston's PLC
Marstons House
Brewery Road

Wolverhampton
WV1 4JT

Registered number of holder, for example, company number, charity number (where applicable)

10747206

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Anthony Paul Kear-Smith
30 Lon-Y-Lin
Caerphilly
CF83 1BY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

881050036
Swindon Borough Council

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

1. Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. No supply of alcohol may be made under the premises licence –

At a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
- (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory condition: banning of the sale of alcohol below the cost of duty plus VAT

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

“permitted price” is the price found by applying the formula –

$$P=D+(D \times V)$$

Where –

P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless sub-section (3)(b) applies, admission or children must be restricted in accordance with any recommendation made by that body.

(3) Where -

the film classification body is not specified in the licence; or

the relevant licensing authority has notified the holder of the licence that this sub-section applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in sub-section (1) requires such a condition to be imposed

–

in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises within premises licences authorising plays or films); or

In respect of premises in relation to –

any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence); or

any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section -

“security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies; and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

1. Voluntary closure policy for the premises is 30 minutes after the approved closure time for the supply of alcohol.
2. The pub manager is required to actively participate in and support the Local Pubwatch Scheme.
3. Toughened glass is currently in use and will continue to be used during any additional hours.
4. There will be no promotions that encourage illegal, irresponsible or immoderate consumption.
5. Managers are required to liaise with local neighbours and resolve any concerns.
6. No adult entertainment is permitted at the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 3 (as amended) Amended conditions attached after an appeal to the Magistrates Court

1. The premises licence shall be subject to the conditions set out hereunder -

(i) Signs depicting the following notice:

FOR PUBLIC SAFETY

Customers are requested to report any broken glasses to the staff of the Moat House, immediately.

(ii) Signs displayed at

1. Rear outside drinking area
2. South side of premises
3. West side of premises in clear view of customers
4. Behind Bar

(iii) Outside signs to be no less than 33cm x 17cm

(iv) Signs behind the bar to be no less than 15cm x 5cm

(v) No one shall be allowed to use the beer garden after 22.30

(vi) A notice to be displayed inside the premises, near the exit, informing customers that the beer garden is to be vacated by 22.30



ST DONAT'S COURT

Moat House
(PH)

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Gas Gov

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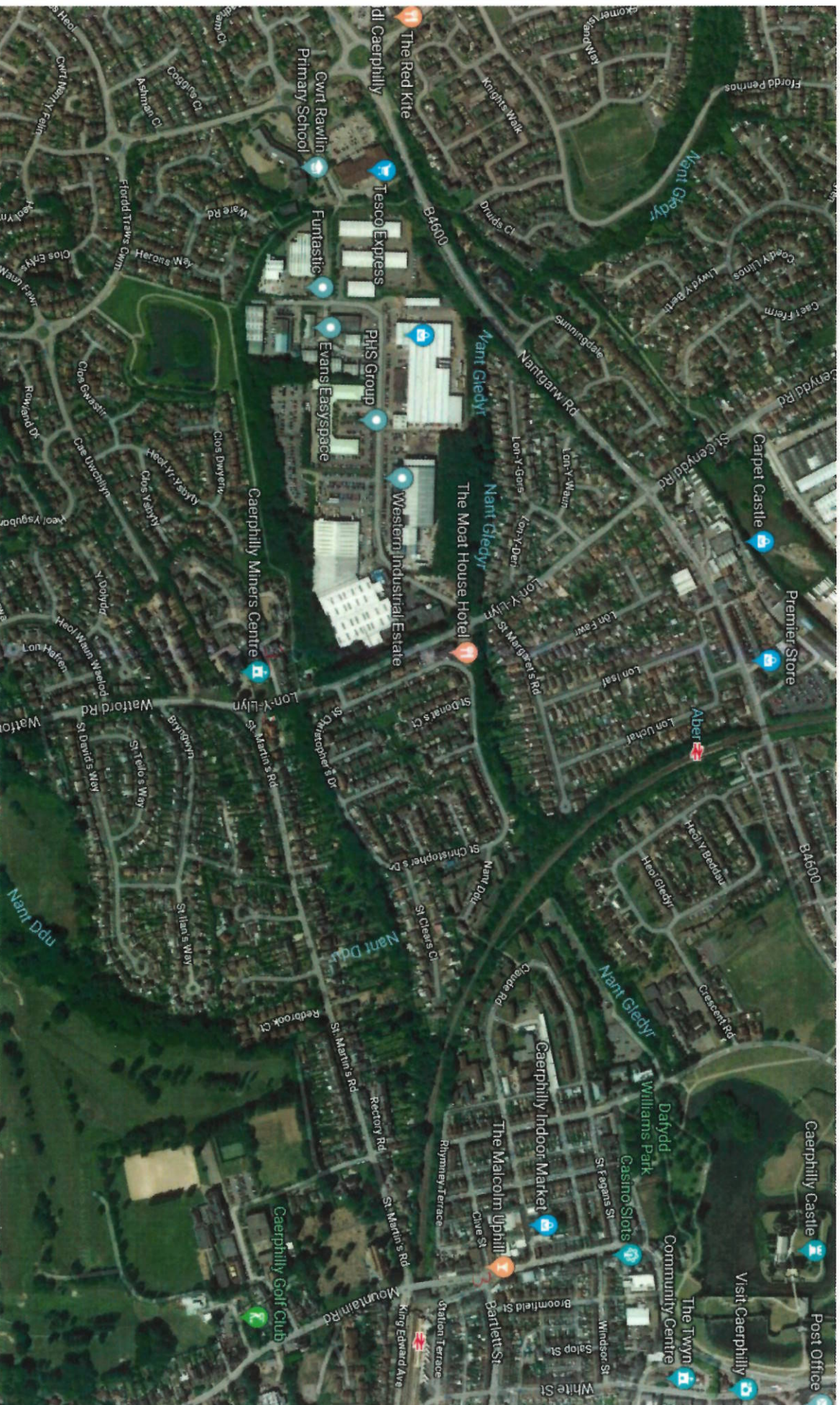
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23/01/2019









Caerphilly County Borough Council statement of Licensing Policy relevant extracts

- 8.4 Each application will be considered on its individual merits, and in the light of this Policy.
- 13.3 It is expected that authorisation holders will take steps to control excessive consumption and drunkenness on their premises. Proper management will reduce the risk of anti-social behaviour occurring both on the premises and outside after customers have left. They must also demonstrate a general duty of care to customers using their premises and others that may be affected by the activities.
- 13.8 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.
- 14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.
- 14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.
- 14.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.
- 14.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area; or
 - extended opening hours are proposed.
- 14.5 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.
- 14.6 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered.

The following issues that should be considered are set out below to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard requirements, but include:

- a) Demonstrate effective and responsible management of premises;
- b) Evidence appropriate staff instruction, training and supervision to prevent incidents of public nuisance;
- c) Indicate how the operating hours for the whole or parts of premises are to be controlled so as to reduce the potential noise impact on neighbouring properties. This should include control of external areas such as beer gardens and smoking areas, and such matters as deliveries, disposal of glassware and waste collections.
- d) Adoption of best practice guidance (Such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing the National Harm Reduction Strategy Toolkit and other industry codes of practice).
- e) Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- f) Management of people including staff and customers arriving and leaving premises (including the potential for queuing outside of the premises);
- g) Liaison with public transport / taxi and private hire service providers to encourage customers to leave the area quickly;
- h) Siting of external lighting including security lighting and consideration of the potential for light pollution nuisance;
- i) Management arrangements for collection and disposal of litter in the vicinity of the premises;
- j) Effective ventilation systems to prevent nuisance from odour;
- k) Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
- l) Dispersal policy / arrangements
- m) Adverse noise created by any ventilation or air conditioning system or other associated machinery positioned outside the building.
- n) Appropriate signage requesting patrons to respect the rights of local residents when leaving the premises.

- 18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.
- 18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.
- 23.1 The Licensing Act does not prescribe fixed hours for trading, applicants are required to identify the hours that they propose to operate. The Licensing Authority, through the exercise of its licensing functions shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate for the promotion of one or more of the licensing objectives. It is proposed that the Licensing committee when considering each application on its merits following receipt of relevant representations should have regard to the following factors:
- 23.1.1 Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it.
- 23.1.2 Whether there will be a substantial increase in the cumulative adverse impact on any adjacent residential area. In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.
- 23.3 The Licensing Authority recognise that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 23.5 Where its discretion is engaged a Licensing Authority will always carefully balance the considerations against its duty to promote the licensing objectives and protect the rights of residents and businesses.
- 23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

24.4 The Council recognises that licensing law is not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of premises, where the premises are the predominant cause of resultant anti-social behaviour arising from drunkenness etc.

Appendix 7 - Licensing Act 2003 National Guidance

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be

enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to

provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

|
14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

Lewis-Williams, Sandra

From: Lewis, Deborah
Sent: 07 January 2019 15:18
To: Lewis-Williams, Sandra
Subject: RE: PRM455 Moat House Hotel, Caerphilly Variation Application

Hello

Representations from Children's Services-

4. The Protection of Children from Harm

I support the following, *"Staff to be trained in respect of underage sales on an annual basis and such training records to be retained and made available for inspection by the Licensing Authority and Police."*

And also request that the following be considered:-

SA01 All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated on an annual basis, or for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

I would expect the premises selling alcohol, providing entertainment to ensure that there are adequate measures in place to prevent sales or supply of alcohol to children. Such measures I would expect to include the Challenge 25 scheme.

SA02 (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

Regards

Deborah Lewis

Cydlynnydd Diogelu Plant | Child Protection Co-Ordinator
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

(01443 864616

*lewisdj1@caerphilly.gov.uk lewisdj1@caerffili.gov.uk

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Lewis-Williams, Sandra

From: Lewis, Deborah
Sent: 16 January 2019 14:59
To: Lewis-Williams, Sandra
Subject: RE: Moat House Hotel Representation Mediation

Hello

Further to a request from John Gaunt solicitors as representative for Marsden's to mediate on the representation submitted regarding the Moat House Hotel. I am of a mind to accept their request to amend the condition SA02 as submitted during the representation period to now read as follows

- (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise namely 'Challenge 21' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
- (b) Publicity materials notifying customers of the operation of the Challenge 21 scheme shall be displayed at the premises, including a Challenge 21 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.


Albeit I recognise that Caerphilly CBC Licensing Policy advocates Cchallenge 25. The other conditions as put forward as part of my representation still remain

I am unable to attend the Hearing on 05/02/2019 due to a prior commitment as such I would ask that my representations are considered in my absence.

Kindest regards
 Deb Lewis

Deborah Lewis

Cydlynnydd Diogelu Plant | Child Protection Co-Ordinator
 Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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HEDDLU GWENT POLICE

RELEVANT REPRESENTATIONS **PREMISES LICENCE /CLUB PREMISES CERTIFICATE** **or VARIATION OF THE ABOVE**

S.18, 41A, 72 and 86A of the LICENSING ACT 2003

Representations by the Police to be made within 28 Days of receipt of the application.

Date application received: **13th December 2018**

Date representations sent to Licensing Authority: **9th January 2019**

Date representations sent to applicant:

Name of authority: **Caerphilly County Borough Council**

Premises Name and Address: **Moat House Hotel, 30 Lon Y Llyn, Caerphilly, CF83 1BY**

Applicant Address: **Marston's House, Brewery Road, Wolverhampton, WV1 4JT**

Gwent Police has received an application to vary a premises licence under the Licensing Act 2003 in respect of the above named premises.

Gwent Police Object to the application in relation to the extended licensable hours in the external areas and have made representations on the following grounds due to them undermining of one or more of the Licensing Objectives.

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. The Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

With the enhanced licensable hours and licensable area this will increase the likelihood of a disturbance within the nearby residential vicinity.

The premise is in close proximity to residential properties and has undergone significant refurbishment. The external areas have been enhanced to make the area more suitable for customers to dine therefore likely to attract a larger and varied customer base where as previously it was restricted.

Further to this, there is potential for crowds of people to congregate outside which will also cause a disturbance within the vicinity.

The addition of CCTV would undoubtedly assist in promoting all four of the licensing objectives.

Gwent Police would therefore request the following:

1. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
2. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
3. The use of the outside licensed area of the premises is not permitted after 22:30 hours. Other than access solely for the use of the smoking area.
4. CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder.
5. CCTV shall be in use at the premises.
 - (i) Existing CCTV should be extended to allow sufficient cover inside and outside the premise where the public have access. It shall be fully operational by the day the licence is granted.
 - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
 - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen;
 - (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
 - (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
 - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.

The aforementioned are proposed to assist in promoting the key licensing objectives. If the applicant wishes to discuss any issues they are welcome to contact me.

If the applicant agrees to the above representations then Gwent Police will withdraw their Objection.

PC 7 Allen

Police Harm Prevention/Licensing Officer

OBJ 2.1

Lewis-Williams, Sandra

From: Allen Daniel <DANIEL.ALLEN@gwent.pnn.police.uk>
Sent: 23 January 2019 13:58
To: Michelle Hazlewood CBII
Cc: Lewis-Williams, Sandra
Subject: RE: Moat House Hotel, Caerphilly

Afternoon Michelle,

Thank you for the below update and for considering and agreeing to the representations made by Gwent Police.

I will forward this information onto Caerphilly Licensing team.

Many thanks

Dan

PC7 Allen
 Harm Prevention Officer/Licensing
 Caerphilly/Blaenau Gwent/Torfaen

Tel/ Ffon: 01495 238058 Internal/Mewnol: 737 2786
 Mobile /Ffôn symudol :07464653993
 E-mail / E-bost: daniel.allen@gwent.pnn.police.uk
 Address: Ystrad Mynach Police Station, Caerphilly Road, Ystrad Mynach, CF82 7EP
 Cyfeiriad: Gorsaf Heddlu Ystrad Mynach, Fford Caerffili, Ystrad Mynach, CF82 7EP

From: Sue McCourt [mailto:smccourt@john-gaunt.co.uk] **On Behalf Of** Michelle Hazlewood CBII
Sent: 23 January 2019 12:36
To: Allen Daniel
Cc: LEWISS1@Caerphilly.Gov.UK
Subject: Moat House Hotel, Caerphilly

Dear PC Allen

We spoke recently regarding the application by Marston's in respect of Moat House Hotel and your representation.

I have now had an opportunity to liaise with my clients further with regard to the position in relation to CCTV.

You are correct that CCTV exists at the premises. Furthermore my clients have undertaken an audit of the current system and the areas covered. They have instructed ADT to repair a camera which was found to be in poor condition.

Furthermore ADT have been instructed to look at the distribution of cameras and my clients are anticipating a quotation from ADT imminently for a further two cameras to be installed so as to cover the entrance area of the premises as discussed by yourselves and the premises recently and the new external smoking provision.

We can therefore confirm on behalf of Marston's Plc that subject to you being content with the number of cameras at the site conditions 4 and 5 as proposed by you are agreed.

With regard to conditions 1, 2 and 3 our clients in principle do not oppose the imposition of the conditions.

As discussed with you we are also in liaison with the Environmental Health Officer Kristian Jennings.

He has requested a condition which is similar in approach to condition 1.

We are agreeable to condition 2 as he does not offer an alternative condition on the point of notices.

In relation to condition 5 my clients are agreeable to the outside area ceasing to be used after 22:30 hours, you will be aware of the existence of the new smoking shelter a photograph of the same is provided. I would ask that my clients customers be allowed to maintain control over their drinks whilst within the smoking shelter. You will note that the smoking shelter is directly accessible from the interior of the premises.

On this basis we would appear to be very close to agreement.

I would be pleased to discuss the matter further with you.

Yours sincerely

Michelle Hazlewood

Partner
Sent by Sue McCourt

MHazlewood@john-gaunt.co.uk | www.john-gaunt.co.uk

T: 0114 266 8664 | M: 07801 924 301 | F: 0114 267 9613



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Lewis-Williams, Sandra

From: Allen Daniel <DANIEL.ALLEN@gwent.pnn.police.uk>
Sent: 24 January 2019 11:27
To: Michelle Hazlewood CBII
Cc: Lewis-Williams, Sandra
Subject: RE: Moat House Hotel, Caerphilly

Morning Michelle,

Further to your email sent yesterday and the below paragraph:

In relation to condition 5 my clients are agreeable to the outside area ceasing to be used after 22:30 hours, you will be aware of the existence of the new smoking shelter a photograph of the same is provided. I would ask that my clients customers be allowed to maintain control over their drinks whilst within the smoking shelter. You will note that the smoking shelter is directly accessible from the interior of the premises.

I wanted to confirm that Gwent Police do not think it is appropriate and will not support the proposal for drinks to be taken outside of the premises beyond 22:30 hours including the smoking area.

Many thanks

Dan

From: Sue McCourt <smccourt@john-gaunt.co.uk> **On Behalf Of** Michelle Hazlewood CBII
Sent: 23 January 2019 12:36
To: Allen Daniel <DANIEL.ALLEN@gwent.pnn.police.uk>
Cc: LEWISS1@Caerphilly.Gov.UK
Subject: Moat House Hotel, Caerphilly

Dear PC Allen

We spoke recently regarding the application by Marston's in respect of Moat House Hotel and your representation.

I have now had an opportunity to liaise with my clients further with regard to the position in relation to CCTV.

You are correct that CCTV exists at the premises. Furthermore my clients have undertaken an audit of the current system and the areas covered. They have instructed ADT to repair a camera which was found to be in poor condition.

Furthermore ADT have been instructed to look at the distribution of cameras and my clients are anticipating a quotation from ADT imminently for a further two cameras to be installed so as to cover the entrance area of the premises as discussed by yourselves and the premises recently and the new external smoking provision.

We can therefore confirm on behalf of Marston's Plc that subject to you being content with the number of cameras at the site conditions 4 and 5 as proposed by you are agreed.

With regard to conditions 1, 2 and 3 our clients in principle do not oppose the imposition of the conditions.

As discussed with you we are also in liaison with the Environmental Health Officer Kristian Jennings.

He has requested a condition which is similar in approach to condition 1.

We are agreeable to condition 2 as he does not offer an alternative condition on the point of notices.

In relation to condition 5 my clients are agreeable to the outside area ceasing to be used after 22:30 hours, you will be aware of the existence of the new smoking shelter a photograph of the same is provided. I would ask that my clients customers be allowed to maintain control over their drinks whilst within the smoking shelter. You will note that the smoking shelter is directly accessible from the interior of the premises.

On this basis we would appear to be very close to agreement.

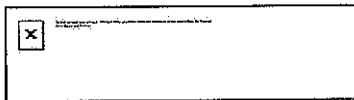
I would be pleased to discuss the matter further with you.

Yours sincerely

Michelle Hazlewood

Partner
Sent by Sue McCourt

MHazlewood@john-gaunt.co.uk | www.john-gaunt.co.uk
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Rydym yn croesawu gohebiaeth yn y Gymraeg a byddwn yn ateb yn y Gymraeg.



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) – Licensing

Name and Address of Applicant	Marston's PLC
Premises	Moat House Hotel, 30 Lon y Llyn, Caerphilly, CF83 1BY

Your Name	Annette Dicks	Date 11 th January 2019
Job Title	Assistant Licensing Manager	
e.mail Address	dicksa@caerphilly.gov.uk	
Contact Telephone Number	01443 866750	

Which of the four Licensing Objectives does your representation relate to?	✓	Please outline the reasons for your Representations
The Prevention of Crime and Disorder	✓	<p>The application seeks to vary the licence to include the outside areas for the retail sale of alcohol and late night refreshment until 12 midnight Sunday to Thursday and until 1.00 am on Fridays and Saturdays and remove conditions previously imposed regarding its use. The premises is situated in a residential area, and given its close proximity to residential properties, particularly behind the premises, the Licensing Authority has concerns regarding the potential public nuisance that may arise from these activities to persons within the vicinity. The attached photos illustrate the close proximity to residential properties. In addition, it is felt that the applicant has failed to demonstrate in their operating schedule suitable and sufficient measures to control the external areas, in line with the Council's Statement of Licensing Policy. The Licensing Authority therefore objects and supports the Police and Environmental Health in their objections to the proposed hours restricting the use of the outside areas to 22.30. The Licensing Authority has some concerns regarding the extension of hours on Friday and Saturday and the provision of live and recorded music inside the premise. However, the conditions requested by Environmental Health and conditions suggested below will assist in promoting the licensing objectives. In addition, in line with the Council's Licensing Policy, the licence should incorporate a 30 minute wind down period.</p>
Public Safety	✓	
The Prevention of Public Nuisance	✓	
The Protection of Children from Harm	✓	

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The suggested conditions are as follows:</p> <p>The use of the outside licensed areas of the premises is not permitted after 22.30 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.</p> <p>Persons using the smoking shelter after 22.30 hours will not be permitted to take food or drink outside, and notices to this effect shall be displayed at suitable locations.</p> <p>The premises supervisor, manager or other competent person shall manage the outdoor areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis.</p> <p>The premises licence holder shall ensure that measures are in place to ensure the removal of litter or waste from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.</p> <p>No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming part of the premises.</p> <p>Children under the age of sixteen must be accompanied by a responsible adult.</p> <p>The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.</p>	
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<input type="checkbox"/>	<p>Yes</p>

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's











RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS



RESPONSIBLE AUTHORITY - Environmental Health (Noise)

Name and Address of Applicant	Marston's House, Brewery Road, Wolverhampton, WV1 4JT
Premises	Moat House Hotel, 30 Lon-y-Llyn, Caerphilly, CF83 1BY

Your Name	Kristian Jennings	Date 11 th January 2019
Job Title	Environmental Health Officer	
Email Address	jennik@caerphilly.gov.uk	
Contact Telephone Number	01443 811350	

Which of the four Licensing Objectives does your representation relate to?	✓	Please outline the reasons for your Representations
The Prevention of Crime and Disorder		
Public Safety		
The Prevention of Public Nuisance	✓	<p>This Department object to the premises license variation application for The Moat House Hotel, in accordance with the submitted application.</p> <p>Environmental Health have concerns with the use of the outdoor drinking areas by patrons after 22:30, and the subsequent noise impact this could have on residents in the nearby vicinity. Environmental Health are satisfied that the license be granted should the applicant formally agree to the conditions outlined below:</p>
The Protection of Children from Harm		

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

- Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
- Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
- The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of amplified/ un-amplified recorded entertainment at regular intervals whilst the Premises Licence is being exercised, in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
 - A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.
- The *outdoor drinking areas available to public access* shall only be open to customers until 22:30 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
- The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.

Are you prepared to discuss these representations with the applicant by way of mediation?

Yes or No

Yes

*Resident A***Lewis-Williams, Sandra**

From: DONOTREPLY@caerphilly.gov.uk
Sent: 05 January 2019 12:21
To: WWW: Licensing
Subject: Website Contact --- Licensing and permits

Name -
[REDACTED]**Email Address -**
[REDACTED]**Phone Number -**
[REDACTED]**Date Submitted -**

05/01/2019 12:20:16

Message -

I understand that Marston's Brewery have applied for licence to extend the music licence hours for The Moat House Pub - 30 Lon y Llyn, Caerphilly. As a resident living close to the pub I would object to this extension. Marstons have already moved the smoking shelter from the front of the pub to the rear car park area and this has already created a nuisance problem to neighbours within the area of the pub with youths now congregating around the smoking shelter area which overlooks the properties of neighbours. Youths have been seen running up and down the steps leading to the cellar, an obvious Health & Safety issue and openly, urinating in this area as well as leaving bottles and cans strewn over the back car park area. This car park is too close to local residents to be allowed. My apologies if I am complaining to the wrong dept but would appreciate if you could forward to correct dept. Kind Regards [REDACTED]

Reference -

NB This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.

Lewis-Williams, Sandra

From: [REDACTED]
Sent: 07 January 2019 13:10
To: WWW: Licensing
Subject: Re: Moat House Hotel, Representation Acknowledgment

Licence Objections:

The extended licence would create public nuisance to residents living nearby due to the noise levels of the music, especially during the Summer months when windows and doors left open. The Garden / outside area creates enough noise / nuisance to local residents with the hours extended this would be totally unacceptable.

The smoking shelter being re-sited has already created problems with the youths from the bar congregating in the back car park area where homes are overlooked.

They have been urinating in the car park which is a Health & Safety concern as well as unacceptable behaviour close to residential homes.

Public Nuisance - the amount of litter and glasses, debris being left outside in the car park area and throughout the estate.

The back car park area being accessed via St Christophers Drive, and speed restrictions not being adhered to. Very dangerous for the children living on this estate, especially as we have no full width pavements for them to walk on near the pub, they have to walk in the road.

It has been known in the past that visitors drinking in the Moat House pub use the back car park area instead of the main car park as they do not wish to be seen leaving the pub and driving their cars after having consumed alcohol! The late night extensions will exacerbate the problem.

In the past local residents have had problems throughout the estate from the younger element that have frequented the pub, leave late and access Caerphilly town through the centre of the estate. Fighting, swearing and general late night rowdiness has occurred. Again, this would be exacerbated with a late night music / drinking extension.

Kind Regards

From: Lewis-Williams, Sandra on behalf of WWW: Licensing

Sent: 07 January 2019 12:27

To: [REDACTED]

Subject: Moat House Hotel, Representation Acknowledgment

Judith Davies

**Pennaeth Diogelu'r
 Cyhoedd, Gwasanaethau
 Cymunedol a Hamdden
 Rob Hartshorn**

**Head of Public Protection,
 Community & Leisure
 Services
 Rob Hartshorn**

Eich Cyf/Your Ref:

Ein Cyf/Our Ref:

Cysylltwch â/Contact:

Rhif Ffôn/Telephone:

Ebost/Email:

Dyddiad/Date:

Mrs S. Lewis-Williams

01443 866750

licensing@caerphilly.gov.uk

07 January 2019

To: Caerphilly County Council

Objection to the licensing application made by Marston's PLC Moat House Hotel, Lon-y-Llyn, Caerphilly on the grounds of:

Prevention of Public Nuisance

'The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.' CCBC Statement of Licensing Policy, Licensing Act 2003

We are immediate neighbours and residents local to the Moat House Hotel in Caerphilly. Many of us have lived here many years and bought our homes knowing the proximity of the public house. Over time, relationships between the pub and local residents have generally been good and nuisance-value from the pub has been low. The planned, extensive changes to the pub's license however, are very likely to change this.

The increase in size and scope will certainly impact adversely on local residents' homes; well-being and life-style. The pub is intending to increase the volume of its custom; the breadth of activity and services it provides both indoors and outside. This will certainly detrimentally impact on us, the local residents, who have had no engagement or consultation from the brewery directly on any of these matters.

The planning application posts have been put up almost by 'stealth', conveniently timed over Christmas and the New Year, and many local resident have been oblivious to the new owners' intentions.

Our main objections are essentially that:

- The **extended licensing hours** will result in additional music and noise, and lights beyond 11pm (until 1.00am) as it currently stands.
- There will be much **late night foot-traffic, cars and taxis** etc. which will be very disruptive for neighbours if the pub is to be open until 1.00am as planned

Whilst we appreciate that the public house serves the local community and increasing its capacity will provide additional employment and amenities, its development should not be at the expense of local residents' health and wellbeing. Other 'busy' establishments of this sort in Caerphilly are not closely situated to people's homes or well-established housing estates.

Whilst we also appreciate that these matters can be managed through other acts relating to 'Noise' and the 'Environment', we politely ask that officers consider the

Lewis-Williams, Sandra

From: [REDACTED]
Sent: 07 January 2019 17:58
To: WWW: Licensing; Lewis-Williams, Sandra
Cc: [REDACTED]
Subject: Re: Moat House Hotel

Hello Sandra,

I am the Neighbourhood Watch Area Coordinator for Saint Martin's Estate, Caerphilly. The Watch covers a residential estate of circa 240 homes.

Following a number of complaints from residents and phone calls and emails from resident, [REDACTED]

All raising objections to the recent Application submitted by Marstons plc, to CCBC. To vary the Premises Licence for the Moat House Hotel, at 30 Lon-Y-Llyn, Caerphilly, CF83 1BY.

Also, another resident has raised a signed petition in protest.

Strong objections have been raised in my meeting with residents to the proposed Premises Licence variations.

Detailed below, point by point are the objections to each proposed change, against each of your 4 criteria.

All raised in advance of the imposed deadline of 12.01.2019.

Criteria 1 -The Prevention of Crime and Disorder.

Proposals WILL increase likelihood of Crime and Disorder.

Proposed extension of Licencing hours, the enlargement of Beer Garden/usable outside areas. Plus the greater number and additional range of planned regular events (Music and Dance), according to submission.

The result, greater numbers at/around venue, more frequently, for longer periods and inevitably with greater alcohol consumption.

These factors will significantly increase the likelihood of Crime and Disorder on St. Martin's Estate.

Particularly for those opposite, in very close proximity.

Gatherings of people + Alcohol + Increased length of drinking time = Increased risk of Crime and Disorder.

Criteria 2 - Public Safety.

Above points and in addition the close proximity of venue to public roads, at front and rear of building.

Drinking glasses and bottles, carried outside and left, get smashed, in and around area, causing cut risks and hazards.

Risk to public, particularly elderly, children and pets, of broken glass.

Whilst Moat House may issue plastic drinking vessels and put up signs requesting NOT to take drinks glasses outside.

In real world we know they do.
Significant increased risk of cuts and injury to public and littering.
Broken glass on roadway, real risk to Motorists.

Also, the car parks at the venue are inadequate for the inevitable increase in vehicles. This will result in vehicles parking on our estate and causing considerable inconvenience and hazard. The access to the one car park, exits directly on to the estate roadway.
The lack of adequate pavements necessitates waking in road therefore any vehicle increase and parking is a potential safety issue.

Criteria 3 - The Prevention of Public Nuisance.

See points raised under 1 and 2 above.

PLUS, the new positioning and orientation of the "Shelter" to the rear side of the Bar.

Originally, Shelter was at front of venue, it faced the main road and was further away from resident's homes.

Importantly, it did NOT face the homes on St. Martin's Estate.

The new position is causing serious concerns. Residents are very unhappy that Moat customers can now look directly from the Shelter into their homes and gardens.

Noise levels already have increased and I have received several complaints of customers seen urinating at the shelter and in the car park.

The position is ill thought out and additionally, the orientation of the open side faces St Martin's Estate, it SHOULD face the main road.

Thus preventing the customers a clear view into the homes opposite.

In addition, the extension of the Licencing hours will mean we will experience noise well into the early hours. The drinking and noise from customers, plus car doors opening and closing and engine noise. This will continue from experience, well after 'last orders'.

Criteria 4 - The Protection of Children from harm.

The adverse effects already mentioned, also has a negative impact on our children and grandchildren.

Greater numbers of persons, some inevitably strangers to the area/venue, broken bottles and drinks glasses.

Swearing, urinating and occasionally fighting outside the venue, which is already happening. will increase.

That's enough I think.

Please contact me if you require any further information or clarification on any points?

Could I ask that you acknowledgement this submission please?

Thanks,

Regards,

Lewis-Williams, Sandra

From: [REDACTED]
Sent: 16 January 2019 17:47
To: Lewis-Williams, Sandra; WWW: Licensing
Subject: Notice of Hearing - Moat House Hotel

Dear Mrs Lewis-Williams,

I am the Neighbourhood Watch Area Coordinator for St. Martin's Estate, in Caerphilly.

I have signed, both the petition and emailed you previously, with Resident's concerns, regards the application below.

A resident/petitioner has contacted me with an additional issue/problem, which self evidently, was not raised in our original objections.

From yesterday (15.01.19), 2 x High intensity/illuminating LED Floodlights have been installed in the Moat House Hotel, car parks.

These floodlights are extremely and annoyingly bright.

They are not angled downwards, are not on a timer and are set at a height level with upstairs bedrooms and bathrooms, in houses opposite.

The result, is that the bedrooms of houses opposite are literally flooded with light in the long hours of darkness. Even with curtains and blinds closed, it is really light in the bedrooms. This makes sleep difficult and nigh impossible.

I spoke to the Contractors Site Manager at the Moat Hotel earlier today. He confirmed that the Floodlights are permanent.

Please add this to our other list of objections?

These floodlights should either (ideally) be removed, or repositioned at a position and height where above problems will not occur.

Please contact me in event of any query and formally acknowledge this additional objection.

Thank you,

Regards,

[REDACTED]
St. Martin's Estate - Neighbourhood Watch.
[REDACTED]

Lewis-Williams, Sandra

From: [REDACTED]
Sent: 22 January 2019 10:34
To: WWW: Licensing
Subject: Re: Moat House - Representation Acknowledgement

Good Morning Sandra,

Thank you for your call and information yesterday, it was appreciated.

The meeting I mentioned yesterday, with local residents, went ahead and I can now confirm the names of the Spokespersons.

Main speaker - [REDACTED]
Support speakers - [REDACTED]

Firstly, a word of thanks for the improvements to the Shelter. Its opening to car park, now faces North and not East. The adjustment to the Lighting in car park, has made some improvement (however please see below). Appearance of Moat House Hotel and grounds much improved. All achieved with commendable minimum disruption.

However, I also received an update on the "Light Trespass" situation. Whilst the Lights have been angled slightly down and to the side and has made some improvement. Residents are complaining they are positioned too high and there is still a problem, ie overly bright light into their homes opposite. Further adjustments to Lights are definitely required. Additionally, the on and off times are somewhat erratic and need better control.

One further issue was raised, regarding the wall at the North end of the Car park, which we believe is the property of the Moat House Hotel. The wall is very unsightly and requires re-rendering and repainting. It really detracts from an otherwise attractive and improved property.

Please contact me if you have any queries or require further information. Could you please also communicate the additional concerns above to the other parties involved and so ensure there are no surprises at the Hearing on 5th February 2019.

Thanks again for all your work and support on this.

Kind Regards,

[REDACTED]
St Martin's Estate - Neighbourhood Watch Area Coordinator.
[REDACTED]

Moat House Hotel

Proposed Conditions

1. The Designated Premises Supervisor will actively participate and support local Pubwatch schemes as long as the same exist
2. Managers are required to liaise with local neighbours and resolve any concerns
3. No adult entertainment is permitted at the premises
4. Children under the age of 16 are not permitted to enter the premises after 22:00 hours unless attending a pre-booked function or dining
5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated on an annual basis, or for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
6. a) An approved proof of age scheme shall be adopted, implemented and advertised within the premises namely 'Challenge 21' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age, photo-card driving licence and passport.

b) Publicity materials notifying customers of the operation of the Challenge 21 scheme shall be displayed at the premises, including a Challenge 21 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
7. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
8. The use of the outside licensed area of the premises is not permitted after 22:30 hours. Other than access solely for the use of the smoking area. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
9. CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder
10. CCTV shall be in use at the premises.
 - i) Existing CCTV should be extended to allow sufficient cover inside and outside the premises where the public have access. It shall be fully operational by the day the licence is granted.

- ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
 - iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority
 - iv) The correct time and date will be generated onto both the recording and the real time image screen;
 - v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done to whom the information was reported.
 - vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
 - vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.
11. Persons using the smoking shelter after 22:30 hours will not be permitted to take food or drink outside, and notices to this effect shall be displayed at suitable locations
 12. The premises supervisor, manager or other competent person shall manage the outdoors areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis
 13. The premises licence holder shall ensure that measures are in place to ensure the removal of litter or waste from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises
 14. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming part of the premises
 15. Children under the age of sixteen must be accompanied by a responsible adult
 16. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day
 17. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity
 18. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence

19. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of amplified/unamplified recorded entertainment at regular intervals whilst the Premises Licence is being exercised, in order to establish whether there is a noise breakout from the premises. If the observations reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance
 - a. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.